

**REMARKS**

Favorable reconsideration of this application, in light of the following remarks, is respectfully requested.

Claims 1-22 are pending in this application. None of the claims have been amended or cancelled, and no claims have been added. Claims 1 and 15 are the independent claims.

Applicants note with appreciation that the finality of the previous Office Action has been withdrawn.

**Rejection under 35 U.S.C. § 102**

Claims 1-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Shlomot (U.S. Patent No. 6,377,931 B1, hereinafter Shlomot). Applicants respectfully traverse this rejection for the reasons detailed below.

Shlomot discloses a jitter buffer in which each location in the jitter buffer holds a coded speech package (CSP) and a pointer points to the CSP that is to be decoded and played next.

Shlomot, column 5, lines 52-54. Shlomot further discloses:

The rate of the CSP decoding and playing is constant at a predetermined standard playback rate. If the rate at which the CSPs arrive from the packet network 100 is the same as the predetermined playback rate at which the CSPs are decoded and played, the pointer 340 remains at the N (Normal) location 320, or one location to the left or to the right. However, if the temporary rate of CSP arrival from the packet network 100 is higher than the predetermined replay rate of CSP decoding and playing, more CSPs will be added to the jitter buffer 260, the pointer 340 is shifted to the left and the overflow signal 266 (FIG. 2) is asserted. On the other hand, if the temporary rate at which the CSPs arrive from the network 100 is lower than the predetermined playback rate at which the CSPs are decoded and played, more CSPs will be taken out of the jitter buffer 260, the pointer 340 is shifted to the right and the underflow signal 267 is asserted.

Id., column 6, lines 3-18.

In other words, Shlomot discloses a system whereby playback speed is adjusted based on a comparison between the rate of packets arriving into the buffer and a predetermined standard playback rate, rather than controlling playback speed based on the measured “distance between an earliest point of detected packet jitter in the buffer and a reference point in the buffer” as recited in claim 1 and as similarly recited in claim 15 (See also paragraphs [0025]-[0027] of the present specification).

Because Shlomot fails to disclose or suggest each and every feature of the claimed invention, Shlomot cannot anticipate or render the claimed invention as recited in claims 1 and 15 obvious to one skilled in the art. Claims 2-14, and 16-22 are also allowable by virtue of their dependency on either independent claim 1 or 15, and for the features recited therein.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection to independent claims 1 and 15 and all claims dependent upon them.

**CONCLUSION**

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

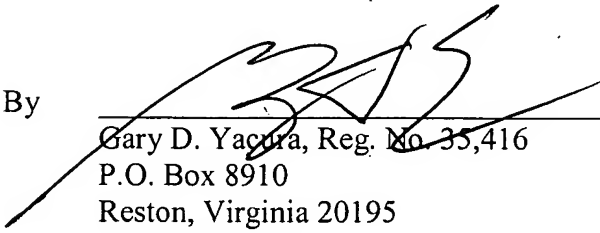
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

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